

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
vs.)	Civil Action No. 08-273
)	
LARRY L. STULER,)	
)	
Defendant.)	

O R D E R

AND NOW, this 7th day of May, 2009, upon consideration of Defendant's Motion to Stay Summary Judgment Schedule (Document No. 31) filed in the above captioned matter on May 6, 2009,

IT IS HEREBY ORDERED that said Motion is DENIED. This Court finds that Defendant's Appeal to the Third Circuit Court of Appeals granting Plaintiff's Motion to Dismiss Defendant's Counterclaims relates to a non-appealable order, is patently frivolous, and was taken in bad faith and would result in unwarranted delay. See United States v. Wilkes, 386 F.Supp.2d 366 (M.D. Pa. 2005). Therefore, this Court will retain concurrent jurisdiction with the Third Circuit Court of Appeals and the summary judgment schedule set by this Court on January 29, 2009, remains in full force and effect.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record

cc: Larry L. Stuler
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